



To: Members, House Commerce & Economic Development Committee  
From: Gwynn Zakov, Municipal Policy Advocate  
Date: March 2, 2023  
Re: H.10 – Recording Executive Sessions of the Vermont Employment Growth Incentive Program

Thank you for the opportunity to testify on H.10.

VLCT's testimony is limited in scope and focuses on the section of the bill that addresses executive sessions under the Open Meeting Law.

The bill proposes to mandate that all executive sessions of the Vermont Economic Progress Council (VEPC) are recorded and are available to the Joint Fiscal Office and the Auditor of Accounts. To our knowledge, this is the first time recordings of executive sessions held pursuant to the Open Meeting Law would be mandated to be recorded. VLCT is concerned about the precedence this would set. If the reason(s) a public body enters into executive session fall within the limited situations specified under 1 V.S.A. § 313(a), that public body should be treated the same as other public bodies.

If there is information the legislature believes should be made available to the Joint Fiscal Office and the Auditor of Accounts, rather than creating a recording of executive sessions, statute should specify what information must be provided to both, and under what circumstances. It is good public policy to create clear guidelines and parameters that public bodies must comply with to create records and means of conveying information that serve a particularized purpose. Creating records of executive sessions that can be used by external parties is concerning and creates a chilling effect on the discourse of a public body when discussing sensitive matters. VLCT encourages the committee to explore other means of gathering the information identified and sought out by the Auditor of Accounts and the Joint Fiscal Office.

Thank you for your time and consideration.